

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 SY-05 CPR-01 SS-15 SSO-00
NSCE-00 SP-02 PM-05 L-03 EA-12 CIAE-00 DODE-00
INR-10 NSAE-00 PA-02 USIE-00 INRE-00 USSS-00
AF-10 ARA-14 NEA-10 /116 W
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O R 160129Z FEB 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 9602
INFO AMEMBASSY PARIS

UNCLAS SECTION 1 OF 2 USUN 0553

E.O. 11652: N/A
TAGS: PDIP, PROG, US, VM
SUBJ: UN HOST COUNTRY RELATIONS MEETING FEBRUARY 15

REF: USUN 514

1. SUMMARY: HOST COUNTRY RELATIONS COMMITTEE FEBRUARY 15
CONTINUED DISCUSSION OF SRV COMPLAINT ON AMB THI CASE AND
IMPLICATION THEREOF. CANADA, COSTA RICA AND SPAIN SPOKE
BASICALLY IN SUPPORT OF US, ALTHOUGH SPAIN WAS CRITICAL OF
ADVANCE PUBLICITY ON CASE PRIOR TO FIRST US CONTACT WITH
SRV. HIGHLY BIASED DRAFT PROPOSAL (SEE PARA 6) OF USSR,
BULGARIA, IRAQ AND MALI CIRCULATED INFORMALLY, BUT NOT
YET FORMALLY INTRODUCED, LED TO PRECEDURAL WRANGLE.
MEETING CONCLUDED WITH REQUEST OF CHAIRMAN THAT PRIOR TO
MEETING FEB 21 HE CONSULT INTERESTED DELS ON
POSSIBLE TEXT THAT MIGHT BE AGREED BY CONSENSUS. END SUMMARY.

2. CHAIRMAN (ROSSIDES) BEGAN BY ANNOUNCING THAT IRAQ,
BULGARIA, MALI AND USSR HAD PREPARED DRAFT RESOLUTION WHICH
WOULD SHORTLY BE CIRCULATED TO COMMITTEE MEMBERS. (SECRETARIAT
DISTRIBUTED INFORMAL TEXT LATER DURING MEETING.) COSTA
RICA (DE BARISH) NOTED ADDITIONAL INFORMATION GIVEN AT
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LAST MEETING BY US CONCERNING ATTEMPTS BY US TO CONSULT
WITH SRV MISSION AND ATTENDENT DIFFICULTIES. SHE ASKED
RHETORICALLY HOW IT WAS POSSIBLE TO CONSULT WHEN ONE OF THE
PARTIES REFUSED. SHE POINTED OUT THAT "ANY STATEMENT OR
RECOMMENDATION BY THE COMMITTEE AT THIS TIME WOULD CONSTITUTE
AN A PRIORI JUDGEMENT" AND SUGGESTED THAT THE COMMITTEE
SHOULD WAIT FOR MORE INFORMATION, THAT WOULD BE AVAILABLE

AFTER COURT PROCEEDINGS ARE FINISHED, BEFORE MAKING ANY RECOMMENDATIONS.

3. CANADA (HIRSCH) ARGUED ON LEGAL GROUNDS THAT THE ISSUE WAS NOT OF CONSULTATION BUT POWERS HELD BY HOST COUNTRIES AND CONCLUDED US ACTED WITHIN ITS LEGAL RIGHTS. SPAIN FOLLOWED WITH A LENGTHY LEGAL EXPOSITION CONCERNING SECTION 13(B) OF THE HEADQUARTERS AGREEMENT, EXPRESSING DOUBT OF ANY US OBLIGATION TO CONSULT UNDER PARA 13(B) (1). HE THOUGHT 13(B)(3) APPLICABLE AND SAID US NOT REQUIRED TO EXPLAIN REASONS FOR ACTION. HE CONCLUDED WITH CRITICISM OF FACT PUBLIC MEDIA INFORMED OF CASE BEFORE SRV MISSION APPROACHED BY US.

4. USSR (SMIRNOV) DISPUTED CANADIAN AND SPANISH LEGAL DISCOURSES AND CALLED THEM A DIVERSION FROM SUBSTANCE OF THE MATTER. HE AGAIN CITED THE UNPRECEDENTED NATURE OF US ACTIONS, AND SAID THERE WAS NO REQUIREMENT FOR COMMITTEE CONSENSUS UNDER NORMAL UN RULES.

5. UK (FIFOOT) ASKED IF THE DRAFT RESOLUTION CIRCULATED IN COMMITTEE WAS A FORMAL ONE (TO WHICH HE RECEIVED NO REPLY) AND NOTED JUDGEMENTAL CHARACTER OF TEXT. US (REIS) NOTED IT WAS NOT CUSTOMARY TO COMMENT ON DRAFT PROPOSAL PRIOR TO FORMAL INTRODUCTION BUT INDICATED DESIRE TO MAKE PRELIMINARY COMMENTS SINCE DOCUMENT HAD BEEN CIRCULATED TO UNCLASSIFIED

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ALL MEMBERS. WHEN NO SPONSOR TOOK UP HIS SUGGESTION THAT ONE OF THEM MIGHT WISH TO MAKE INTRODUCTORY REMARKS ON TEXT, HE BEGAN SUBSTANTIVE COMMENTS. HE URGED EFFORT BY COMMITTEE TO ADOPT RECOMMENDATION BY CONSENSUS. USSR INTERRUPTED, ASSERTING DISCUSSION ON THE DOCUMENT SHOULD TAKE PLACE ONLY AFTER TRANSLATION AND FORMAL INTRODUCTION, CHAIRMAN THEN ASKED US NOT TO COMMENT ON THE TEXT AND URGED HELPFULLY THAT USUAL PROCEDURE BY WHICH THE TWO SIDES CONSULT SHOULD BE FOLLOWED, WITH TEXT BEING SUBMITTED TO THE COMMITTEE ONLY THEN, TO FACILITATE CONSENSUS. AFTER FURTHER PROCEDURAL ARGUMENT, COMMITTEE ACCEPTED SUGGESTION OF IVORY COAST THAT CHAIRMAN TAKE THE INITIATIVE TO CONSULT INTERESTED DELEGATIONS ON TEXT OF RECOMMENDATION THAT COULD BE AGREED BY CONSENSUS. US BRIEFLY STATED USSR GROUP PROPOSAL COULD NOT BE ACCEPTED AS BASIS FOR THESE CONSULTATIONS. CONSULTATIONS ARE TO TAKE PLACE PRIOR TO NEXT MEETING OF THE COMMITTEE ON FEB. 21.

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6. COMMENT: DURING DISCUSSION ONE POINT ON WHICH EVEN
FRIENDLY DELS HAVE BEEN CRITICAL OF US HAS BEEN WIDE-
SPREAD ADVANCE (JAN. 31) MEDIA PLAY GIVEN THE INCIDENT PRIOR TO
OUR FIRST CONTACT WITH SRV ON FEB. 1.

7. DRAFT TEXT FOLLOWS: QUOTE:

HAVING CONSIDERED AT ITS MEETINGS ON FEBRUARY 9, 10
AND 13, 1978 THE QUESTION CONCERNING THE TREATMENT BY THE US
AUTHORITIES OF AMBASSADOR DINH BA THI, PERMANENT REPRESENTATIVE OF THE SOCIALIST REPUBLIC OF VIET NAM TO
THE UNITED NATIONS.

RECALLING THAT IN ACCORDANCE WITH THE GENERAL ASSEMBLY'S
RESOLUTION 2819(XXVI) IT IS THE RESPONSIBILITY OF THE
COMMITTEE TO CONSIDER, AND ADVISE THE HOST COUNTRY ON,
ISSUES ARISING IN CONNECTION WITH THE IMPLEMENTATION OF
THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED
STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED
NATIONS.

CONSIDERING THAT THE PROCEDURE OF PRELIMINARY CONSULTATIONS,
AS PROVIDED FOR IN SECTION 13 OF THE ABOVE-MENTIONED AGREEMENT
BETWEEN THE UN AND THE USA, WAS NOT OBSERVED,

1. EXPRESSES ITS DEEP CONCERN IN CONNECTION WITH THIS
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UNPRECEDENTED CASE IN THE HISTORY OF RELATIONS BETWEEN THE
UNITED NATIONS AND THE HOST COUNTRY JEOPARDIZING NORMAL
ACTIVITIES OF MISSIONS ACCREDITED TO THE UN AND THOSE OF THE
ORGANIZATION ITSELF.

2. RECALLS THE OBLIGATIONS AND COMMITMENTS OF THE HOST COUNTRY, IN ACCORDANCE WITH INTERNATIONAL LAW AND, IN PARTICULAR, WITH THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS OF 1947, TO PROVIDE ADEQUATE CONDITIONS FOR THE NORMAL FUNCTIONING OF MISSIONS TO THE UNITED NATIONS AS WELL AS REPEATED ASSURANCES BY THE AUTHORITIES OF THE HOST COUNTRY TO TAKE ALL NECESSARY MEASURES TO THIS AND,

3. REQUESTS THE GENERAL ASSEMBLY TO URGE THE HOST COUNTRY TO OBSERVE STRICTLY IN FORM AND SUBSTANCE THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS AND ESPECIALLY THE PROVISIONS OF SECTION 13 (B, 1 AND 2) THEREOF. UNQUOTE.

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